REMARKS

Applicant respectfully requests further examination and reconsideration in view of the above amendments and the arguments set forth fully below. In the final Office Action mailed July 14, 2005, claims 48-53 have been rejected. In response, the Applicant has submitted the following remarks and amended claims 48 and 52. Accordingly, claims 48-53 are still pending. Favorable reconsideration is respectfully requested in view of the amended claims and the remarks below.

Claim Rejections Under 35 U.S.C. § 103

Claims 48-53 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Roewer U.S. Patent No. 5,734,915 (hereafter Roewer) in view Ellegood, et al U.S. Patent No. 6,137,860 (hereafter Ellegood). The rejection of claims 48-53 is respectfully, yet strongly traversed.

The present invention includes a method and system for managing memory in a workstation comprising a processor for prioritizing a plurality of medical image files using a prioritization scheme, wherein the prioritization scheme has three levels. The first level of the scheme includes a currently viewed medical image, while the second and third levels include medical images in a viewing stack and medical images related to the medical images with a higher priority, respectively, wherein the second and third level medical images are not currently viewed images. The medical image from the first level is designated with a higher priority than the medical images of the second level and the medical images of the second level are designated with a higher priority than the medical images of the third level.

As described in the present invention, page 8, paragraph 1, the top priority level is only given to a current exam, i.e., a currently viewed exam, being viewed by the user. The viewing stack priority is given to all open exams and are not currently viewed, but are likely to be viewed as the user makes his way through the stack. The related exam priority is given to all open exams that are related to the current exam, but are not

currently viewed by the user. Therefore, the prioritization scheme of the present invention includes only a first priority level that is currently viewed by the user, even though images in the viewing stack may be selected for viewing.

Roewer teaches a graphic user interface for non-computer-literate operators. The invention in Roewer is intended to improve upon conventional workstations which provide inconsistent information in a confusing format and often do not provide a meaningful feedback to the operator. As stated within the Office Action, Roewer fails altogether to teach a prioritization scheme, wherein the second and third images are not currently viewed, per claims 48 and 52. In addition, Roewer fails to teach or suggest unloading from the memory of the workstation a medical image file having a lower priority than at least one of the open medical image files stored in memory, wherein the unloaded medical image file includes at least a portion of at least one of the open medical images, per claims 48 and 52.

Ellegood also fails to teach or suggest the prioritization scheme, wherein the second and third images are not currently viewed, claimed in claims 48 and 52. Ellegood relates to a weld inspection system for constructing fuel tanks. Col. 15, lines 13-25 teach a display of thumbnail tile images (704, 706, 708). According to the system of Ellegood, thumbnail tile image 704 is the most recent addition to the tile image stack and thumbnail tile image 708 is the oldest addition. Each new tile image read in from an external device bumps the existing tile image over one position, with the tile image that was in the position held by thumbnail tile image 708 being deleted from current tile image memory. This simplistic prioritization scheme does not anticipate or render obvious the scheme claimed in claims 48 and 52. In short, Ellegood merely incorporates a "one-in, one-out" system of loading and unloading a group of three (704, 706, 708) currently viewed images.

The independent claim 48 is directed to a method for managing a memory in a workstation when the size of user selected medical image files exceeds the memory capacity in the workstation, the method comprises the steps of opening a plurality of

medical image files to display a plurality of medical images, prioritizing the plurality of medical image files using a prioritization scheme having at least three levels including a first level comprising a currently viewed medical image, a second level comprising medical images in a viewing stack and a third level comprising medical images related to medical images with a higher priority, wherein the medical images in the viewing stack and the medical images related to medical images with a higher priority are not currently viewed medical images, and further wherein the medical images from the first level are designated with a higher priority than the medical images of the second level and the medical images of the second level are designated with a higher priority than the medical images of the third level, and unloading from the memory of the workstation a medical image file having a lower priority than at least one of the open medical image files stored in memory, wherein the unloaded medical image file includes at least a portion of at least one of the open medical images. As described above, neither Roewer, Ellegood, nor their combination teach a three level prioritization scheme as taught in the present invention. For at least these reasons, the independent claim 48 is allowable over the teachings of Roewer, Ellegood, and their combination.

Claims 49-51 are dependent upon the independent claim 48. As discussed above, the independent claim 48 is allowable over the teachings of Roewer, Ellegood, and their combination. Accordingly, claims 49-51 are also allowable as being dependent upon an allowable base claim.

The independent claim 52 is directed to a system for managing memory in a workstation when a size of user selected medical image files exceeds the memory capacity in the workstation, the system comprising a processor configured to prioritize the user selected medical image file using a prioritization scheme having at least three levels including a first level comprising a currently viewed medical image, a second level comprising medical images in a viewing stack, and a third level comprising medical images related to medical images with a higher priority, wherein the medical images in the viewing stack and the medical images related to medical images with a higher priority

are not currently viewed medical images, and further wherein the medical images from the first level are designated with a higher priority than the medical images of the second level and the medical images of the second level are designated with a higher priority than the medical images of the third level and the memory configured to unload a medical image file having a lower priority than at least one of the user selected medical image files stored in memory, wherein the unloaded medical image file includes at least a portion of at least one of the user selected medical images and wherein the processor is coupled to the memory. As described above, Roewer, Ellegood, nor their combination teach the three tier prioritization scheme as described in the present invention. For at least these reasons, the independent claim 52 is allowable over the teachings of Roewer, Ellegood, and their combination.

Claim 53 is dependent upon the independent claim 52. As discussed above, the independent claim 52 is allowable over the teachings of Roewer, Ellegood, and their combination. Accordingly, claim 53 is also allowable as being dependent upon an allowable base claim.

For these reasons, Applicant respectfully submits that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at 414-271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
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